


UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

**FILED**  
JUL 24 2013  
  
CLERK

ROGER BAINES KING,	)	Civ. 12-4120-KES
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
MAYOR JESS KESSE;	)	
PAUL SCHUETH, Chief of Police,	)	
Winner SD;	)	ORDER DISMISSING CASE
CHIP SCHORDER,	)	
Sheriff of Tripp County;	)	
LORI KALENDA, Jail Administrator;	)	
SGT. RICHARD BERTRAM;	)	
WINNER CITY OFFICIALS;	)	
COUNTY OFFICIALS;	)	
M.D. TONY BURG; and	)	
TRENT SINCLAIR, Assitant Chief,	)	
	)	
Defendants.	)	

Plaintiff filed a complaint in the above-entitled action on June 29, 2012.

Pursuant to Federal Rule of Civil Procedure 4(m), plaintiff has 120 days to serve the summons and complaint on defendant. Plaintiff has not filed with the Clerk of Courts verification of service on defendants. Rule 4(m) states in pertinent part:

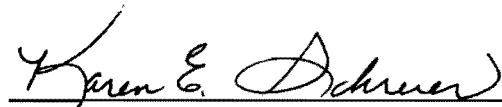
If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.

Fed. R. Civ. P. 4(m). Over 120 days have elapsed since the filing of this complaint. Pursuant to Rule 4(m), on June 17, 2013, this court gave plaintiff notice of its intention to dismiss this action as to defendants without prejudice if service of the summons and complaint was not made by July 8, 2013, or good cause was not shown as to why defendants had not been served. Proof of service of defendants has not been filed with this court, and this court has not been asked to extend the time for service. Accordingly, it is

ORDERED that plaintiff's complaint against defendants is dismissed without prejudice.

Dated July 24, 2013.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Karen E. Schreier", is written over a horizontal line.

KAREN E. SCHREIER  
UNITED STATES DISTRICT JUDGE